

Patent
Our Docket: 5042C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: YEW, Nelson.)	Art Unit: 1636
)	
Serial No.: 10/661,369)	Examiner: James S. Ketter
)	
Filed: September 11, 2003)	
)	
For: Expression vectors containing)	
hybrid ubiquitin promoters)	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE VIA EFS WEB AT: <http://www.uspto.gov/efw/index.html>

April 16, 2008
Date

Taryn A. Halek
Signature of person depositing correspondence

Terminal Disclaimer under 37 C.F.R. § 1.321(b)

Sir:

1. I, Jennifer D. Tousignant, state that I am the attorney of record in the above referenced patent application. I am a representative authorized to sign this document on behalf of Genzyme Corporation, the assignee for this invention.

2. Assignee Genzyme Corporation is a corporation having a principal place of business at 500 Kendall Street, Cambridge, MA 02142.

3. Genzyme Corporation is the owner of the entire right, title, and interest in the invention disclosed and claimed in United States Patent Application Serial No. 10/661,369, filed September 11, 2003. Genzyme Corporation is also the owner of the entire right, title, and interest in the inventions disclosed and claimed in United States Patent Serial No. 6,667,174.

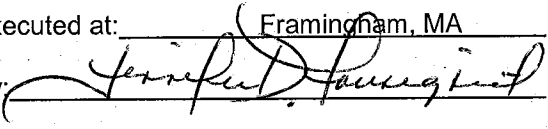
4. The Assignee hereby disclaims the terminal part of any patent granted on United States Application Patent Serial No. 10/661,369 that would extend beyond the expiration date of United States Patent Serial No. 6,667,174 and agrees that any patent granted on the herein United States Patent Application Serial No. 10/661,369 will be enforceable only for and during such period that the legal title to

said patent shall be the same as the legal title to United States Patent Serial No. 6,667,174. This agreement is to run with any patent granted on United States Patent Application Serial No. 10/661,369 and to be binding upon the grantees, their successors or assigns.

5. In making this disclaimer, Assignee does not disclaim the terminal part of any patent granted on United States Patent Application Serial No. 10/661,369 that would extend to the expiration date to the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of United States Patent Serial No. 6,667,174, as presently shortened by any terminal disclaimer in the event that it later (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (e) has all claims canceled by a reexamination certificate, (f) is reissued, or (g) is, in any manner, terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

6. In making this disclaimer, Assignee makes it with the understanding that this disclaimer serves the statutory function of removing the rejection of double patenting¹ and "raises neither presumption nor estoppel on the merits of the rejection"².

7. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21, which may be required by this paper, or to credit any overpayment to Deposit Account No. 07-1074.

Executed at: Framingham, MA
By: 
Title: Attorney of Record; Registration No. 54,498
Date: April 16, 2008

¹ Quad Environmental Technologies Corp. v. Union Sanitary Dist., 946 F.2d 870, 874 (Fed. Cir. 1991)

² *Id.*